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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/781,901 | 02/09/2001 | Ronald W. Colwill JR. | 4150-4000US1 | 8352 |
| 27123 | 7590 | 02/17/2006 | EXAMINER | |
| MORGAN & FINNEGAN, L.L.P. | | | AMSBURY, WAYNE P | |
| 3 WORLD FINANCIAL CENTER | | | ART UNIT | |
| NEW YORK, NY 10281-2101 | | | PAPER NUMBER | |
| | | | 2161 | |

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,901

Applicant(s)

COLWILL, RONALD W.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54,72-137 and 309-319 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54,72-137 and 309-319 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/11/01 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

CLAIMS 1-54, 72-137 AND 309-319 ARE PENDING

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Applicant's arguments filed 12/22/05 have been fully considered but they are not persuasive.

Applicant argues at page 24 last paragraph of the Response, that the sub-headings, (in particular the sub-headings for *Churches* in FIG 3), are not subcategories related to a linked first level search category, as the claims are amended. This is apparently a confusion arising from the appearance of *Cigar, Cigarette...* directly under *Churches* in the figure. However, Applicant quotes a passage of the reference that directly contradicts this conclusion, namely COL 8 lines 30-35:

"...under the heading for 'Churches,' sub-headings for churches of various denominations can be displayed by clicking on the plus sign 333."

Clearly, these second level sub-categories are not *Cigars...*, but church denominations, and clearly they are linked to *Churches*, else they could not be accessed by clicking **333**.

3. Claims 1-54, 72-137 and 309-319 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al (Burger), US 6,938,061, 30 August 2005.

Burger is directed to electronic (virtual) distribution of a Yellow Pages directory [COL 2 lines 50-53].

As to **claim 309**:

A method for providing an Internet virtual directory system to a desired Internet web site relating to a search

(i) transmitting a display of a first interface and a second interface, wherein each of the first and second interfaces comprises a plurality of search categories and is linked to each other in such a way that a first search category is linked to at least a second search category that specifies a subcategory related to the first search category;

Burger presents a Yellow Pages directory to be accessed by a Web browser [FIG 2; COL 3 lines 5-15], by way of the Internet [FIG 2 **225**]. Thus the directory site corresponds to a desired Internet web site relating to a search. Pages are transmitted to a GUI and displayed [COL 8 lines 18-21]. The pages of Burger correspond to interfaces [COL 3 lines 10-15], and the one depicted in FIG 3 clearly shows a plurality of search categories.

Burger points out at COL 8 lines 30-35:

*"...under the heading for 'Churches,' sub-headings for churches of various denominations can be displayed by clicking on the plus sign **333**."*

Clearly, these second level sub-categories are church denominations, and clearly they are linked to *Churches*, else they could not be accessed by clicking **333**. The subcategories accessed by clicking **333** are the second interface corresponding to a first interface of *Churches*.

The initial display that depicts *Churches* is a first interface that comprises a plurality of search categories, and the display that results from clicking the plus sign is a second interface that displays a plurality of search categories that are subcategories related to the first search category.

(ii) receiving a click command to select a search category for each of the first and second interfaces

Pages can be accessed by means of a click command [COL 8 lines 39-41].

(iii) transmitting a display of a web page of an Internet web site corresponding to a selected second search category wherein the search categories for each of the first and second interfaces are preselected and uploaded by a service provided of said Internet virtual directory system.

It is clear from the analysis above that the pages transmitted by Burger to a browser in response to selection are pre-selected and uploaded by the Yellow Pages service of Burger. The pages of Burger are embodied so that they are treated as a web page by a browser that access them [COL 3 lines 10-15; FIG 3; COL 8 lines 18-38; and elsewhere].

However, the pages and in particular the pages of the individual search categories are not explicitly web sites *per se*. Burger is silent on updating an advertisement or other entry without using an interception of the printing process to generate the browser-ready images [COL 4 lines 17-27].

If the pages were web sites themselves, updates of the pages would require only updates localized to a single page, which might reasonably be owned by an advertiser. Furthermore, deletions and additions would only require changes to the directory itself, not the component pages.

It would have been obvious to one of ordinary skill in the art at the time of the invention to make the pages web sites because it would make the process of keeping the Yellow Book of Burger more efficient.

As to **claims 310-316**, these limitations follow immediately from the FIG 3 and the corresponding discussion.

As to **claims 317-319**, it is a feature of standard browsers to control the displayed elements of icon bars.

As to **claims 118 and 98**, there are clearly three levels of interface available in Burger, and alphabetic displays [FIG 3].

As to **claim 72**, Burger does not specify that there are at least 1,000 first level search categories and/or links to no more that so second search categories. As to the latter, a choice of alphabetic sub-categories clearly would provide no more than 30 second search categories. The Yellow Pages contain a great many entries, and the categories in an index need to be inclusive; choosing too few categories would burden search in the other levels.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for at least 1,000 categories at the first level because it would tend to focus the search efficiently at the other levels.

The elements of **claims 1-54, 73-97, 99-117 and 119-137** are rejected in the analysis above and these claims are rejected on that basis.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER